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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,495	10/02/2003	Mick Shannon	39240.7300	2494
57600	7590	02/12/2008		
HOLLAND & HART LLP P.O. Box 11583 60 E. South Temple, Suite 2000 Salt Lake City, UT 84110			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 02/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/605,495	Applicant(s) SHANNON, MICK	
	Examiner JEFFREY A. SHAPIRO	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites “wherein said coins comprises currency, the currency being paper cash.” Again, note that coins and paper cash are currency, but that coins cannot comprise currency, especially when it is paper cash. Also note: coins are not bills, i.e., paper cash. Currency can comprise bills and/or coins. However, coins can not comprise bills. Note also that it is not clear how the paper cash traverses and travels through the canister. This aspect is mentioned in neither the claims nor the disclosure.

Coins and paper cash belong to the group of “currency” rather than coins.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3**, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Beisel et al (US 5,542,520).

Tree discloses the apparatus described above.

Regarding Claim 1, Tree discloses an entertainment donation device having a canister (10) with a first end having a coin slot (17) and a second end configured to collect coins in a drawer (20). An entertainment device is located between the first end and second through which coins fall (under the influence of gravity), the coins hitting bumper posts (46) and eventually falling through internal entrance (24) into the drawer (20). Said entertainment device has a transparent means to allow an observer to be entertained by the falling coins. See col. 3, lines 45-60 and col. 4, lines 9-36 as well as figures 1-3. Tree further discloses use of a step in the form of bumper posts (46) as previously mentioned as well as an electronic “amusement evoking means” which can be configured to be either audible or visible. See col. 5, line 65-col. 6, line 18.

Tree, figure 7 and col. 4, lines 50-59, mentions both a swinging arm (80) equivalent to a lever and a cup (82) that pivots as examples of mechanical parts and trapping fixtures which will evoke a reaction of amusement when viewed through the transparent means.

Regarding Claim 2, Tree also discloses use of a monitor (60) as shown at figures 4 and 4a and described at col. 6, lines 3-15.

Regarding Claim 3, Tree discloses said canister handling coins or other items, as mentioned at col. 4, line 50-col. 5, line 6.

Further **regarding Claim 1**, note again that Tree discloses a pivotable arm (80) with pivoting cup (81). Tree also discloses at col. 4, lines 37-67, that various other structures that the coin interacts with may be incorporated into Tree’s device.

Tree does not expressly disclose, but Beisel discloses a coin testing apparatus in which coins fall from a vibrating tray, over an edge, i.e. a step, to an inclined ramp-like surface (7), and move down said ramp to thickness sensor (18). When too many coins overwhelm the ramp, the excess coins move onto ramp (6) and onto another ramp (10). When too many coins overwhelm that ramp, they fall into dish/trough (12), from which they are transported back to the vibrating tray. See figure 1 of Beisel.

At the time of the invention, it would have been considered obvious to incorporate a coin testing apparatus in Tree's sorting device, having a tray/step, inclined ramps, thickness sensors, the coins moving over another ramp to a dish/trough, for transport back to the tray, as taught by Beisel.

The suggestion/motivation for doing so would have been to test high amounts of coins with improved throughput in a reliable way. See Beisel, col. 1, lines 39-43.

5. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Beisel, and further in view of Kloss et al (US 5,531,309).

In addition to Tree's disclosure discussed above, **Regarding Claim 4**, Tree discloses electronic control means (65) connected to a speaker (58) and display (54) and which activates upon entry of a coin to evoke a response as well as to calculate coin totals. This is described at col. 7, lines 43-59. Such a controller, described as being programmable at col. 7, lines 45-50, must have an internal time clock in order to work.

Tree does not expressly disclose sending a request signal to said time clock to obtain time information, but Kloss discloses obtaining a time stamp by way of time-of-day-clock (124) for various events that occur in Kloss' coin handling device, at col. 4, lines 56-65. Kloss also discloses detecting incoming coins by coin acceptor (102) and payout of coins (114) as illustrated in figure 1 and discussed in the abstract.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have time-stamped the detection of the passing of a coin through Tree's system, with a detection sensor placed at the entrance of the coin intake chute in the form of a coin acceptor, as taught by Kloss.

The suggestion/motivation for time stamping events would have been to help trouble-shoot as well as to manage the system responses to properly evoke amusement. See Tree, col. 7, lines 43-53.

The suggestion/motivation for detecting coin entry into the coin slot would have been to detect the event of coin insertion as well as to determine and sort valid from invalid coins. One ordinarily skilled in the art would have recognized that such an insertion occurrence is an event from which many other time measurements can be compared, such as the time from entry to the time of deposit into the cashbox.

6. **Claims 5, 10 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Beisel, further in view of Kloss, further in view of Molbak et al (US 5,564,546) and still further in view of Robinson et al (US 5,918,720).

Regarding Claims 5, 10 and 13, Tree, Beisel and Kloss disclose the system described above. Tree also discloses displaying images on a video screen when coins are deposited into the system, to evoke a response and entertain.

Tree does not expressly disclose displaying advertisements upon depositing a coin, however, Molbak discloses displaying advertisements on a video screen (130) at col. 4, lines 12-14.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have displayed advertisements on Tree's display, upon the insertion of coins 11 into the system, using a time-of-day clock as taught by Kloss, to coordinate the advertisement generation to evoke appropriate entertainment and reaction from the viewer/user.

The suggestion/motivation would have been to "evoke a response" from those watching the apparatus operate. See Tree, col. 7, lines 43-53.

Further **regarding Claims 10 and 13**, note Molbak, step (590) in figure 5 discloses recording the donation amount and the charity the donation goes to.

At the time of the invention, it would have been obvious to display a value of the donations collected as well as how many times the user has donated to a particular charity as this is considered obvious to one ordinarily skilled in the art to have performed the dual tasks of evoking a response of amusement as well as to perform accounting and administrative functions regarding the donations. For example, it would have been obvious to provide the time and amounts of donations so as to compare volume of donations with advertising events, and therefore obtain a reading on whether

marketing/advertising of the donation device is working to promote the use of the device or not. See also Kloss, col. 4, lines 56-65, which states that the time reference is used to “time stamp” events that occur within the machine. The insertion of currency representing a donation is just such an event that “occurs within the machine”.

Further regarding Claim 13, Beisel does not expressly disclose, but Robinson discloses a coin sorting system that collects and collates data concerning transactions and the currency sorted into a printed report. See Robinson figures 5-11d and col. 6, line 59-col. 7, line 55.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have added a printer to Beisel's apparatus for the purpose of generating reports detailing transaction and other data relating to the currency sorting operations of Beisel's apparatus, as taught by Robinson. See again, Robinson figures 5-11d and col. 6, line 59-col. 7, line 55.

7. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Beisel, and further in view of Cotton et al (US 4,663,538).

Tree discloses the system described above. Tree also discloses incorporating multiple coin slots for depositing coins, as described at col. 4, lines 60-67. Tree does not expressly disclose, but Cotton discloses using multiple coins slots, each slot dedicated to a single type of coin, for example a dime and a quarter. See Cotton, figure 2.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used multiple coins slots, each devoted to a particular coin

denomination, because one ordinarily skilled in the art would have been motivated by Tree's teaching of using multiple coin slots and Cotton's teaching of dedicating a particular coin slot to a particular denomination to therefore use multiple coin slots, each one dedicated to a particular coin denomination.

8. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Beisel, further in view of Kloss and still further in view of Suzuki (US 5,282,765).

Tree discloses the system described above. As recited in **Claim 7**, Tree does not expressly disclose incorporating a funnel, however, Suzuki discloses using a funnel (6) to accept coins as illustrated at figure 5.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used a coin accepting funnel in Tree's apparatus.

The suggestion/motivation would have been because one ordinarily skilled in the art would have been instructed by Tree's teaching at col. 5, lines 2-6, that "any structure known to those ordinarily skilled in the art which will serve to collect and move the coins or other items into the secure storage container 14 will suffice and is included within the scope of the present invention."

Suzuki's funnel (6) is just such a device. Therefore, it would have been obvious to incorporate such a structure into Tree's device.

9. **Claims 12 and 14**, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Beisel, further in view of Kloss, further in view of Molbak, further in view of Suzuki, further in view of Constantino (US 4,472,819) and still further in view of Miyashita et al (US 4,213,524).

Regarding Claims 12 and 14, Tree discloses use of an audio device and visual device at col. 7, lines 45-59.

Tree does not expressly disclose, but Suzuki discloses using a reflective surface (5) in Suzuki's abstract and at col. 5, line 65-col. 6, line 10.

Tree does not expressly disclose, but Miyashita discloses lighting several lights (8) disposed in a circle, and actuating a buzzer (80). See Miyashita, figure 9 and col. 6, lines 10-48.

Tree does not expressly disclose, but Miyashita discloses replacing lamps with buzzers at col. 4, lines 20-29.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have included a mirror in Tree's device, as this would also have evoked amusement in users of Tree's device.

Additionally, lights and horns/buzzers are considered audio and video devices which one ordinarily skilled in the art would have found obvious to incorporate in Tree's device for the purpose of evoking amusement, as taught by Miyashita and Constatino, as required to evoke entertainment.

Therefore, one ordinarily skilled in the art would have found it obvious to have used several lamps lit successively, said lamps constituting visual devices, as well as to have used two or more buzzers/audio devices for the purpose of evoking entertainment by adding more light and sound to the entertainment experience.

Response to Arguments

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10. Applicant's arguments filed 12/06/07 have been fully considered but they are not persuasive.

Tree discloses a coin handing apparatus as described above. Beisel discloses a coin testing device which causes coins to move different directions based on the amount of coins, as mentioned above. One ordinarily skilled in the art would have been motivated to combine Tree and Beisel based upon Beisel's teaching of testing coins for authenticity, such as by using thickness criteria. Since tree accepts coins, it would have been logical for one ordinarily skilled in the art to have used Beisel's testing device in Tree's device so as to sort coins based upon genuiness.

Regarding Applicant's newly filed amendment changing the word "amount" to "value" in Claim 1, it is noted that Applicant's specification states the following.

The coin may follow a set path or the coin may travel in varied paths depending on the type of coin, the slot the coin is inserted into, the force exerted on the coin and/or environmental conditions. Different coins may travel a different path to differentiate higher value donations. For example, a quarter may interact with more surfaces and travel a longer path than a dime. Multiple coins may also be inserted at one time in order to provide multiple actions at the same time.

See paragraph 17 of Applicant's specification.

No other detail about this feature of Applicant's claimed invention is disclosed. From this passage, it appears to imply that different value coins travel different paths based not only on their value, but because of the relative differences in size and mass. Beisel discloses this aspect, since coins of different size and value will follow different paths through his device. Therefore, Applicant's newly amended Claim 1 is still considered to read on Beisel.

Cotton provides teaching and motivation to use separate coin entrance slots for each denomination of coin inserted in Tree's device.

Kloss provides the teaching and motivation to place a time stamp on various events that occur within Tree's device.

Molbak provides teaching and motivation to accept coin donations in Tree's device which are intended to go to various charities, and to keep records of such donation activity and charities.

Suzuki discloses use of a reflective surface, and Miyashita and Constatino discloses use of lamps and audio devices in the form of buzzers, to entertain viewers while coins travel through Tree's coin handling device.

See again, the above rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY A. SHAPIRO whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A. S./
Primary Examiner, Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
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February 6, 2008